

AMENDED IN SENATE MAY 15, 2007

AMENDED IN SENATE APRIL 19, 2007

SENATE BILL

No. 793

Introduced by Senator Harman

February 23, 2007

An act to amend ~~Section 116028~~ *Sections 116028 and 116033* of the Health and Safety Code, relating to public swimming pools.

LEGISLATIVE COUNSEL'S DIGEST

SB 793, as amended, Harman. Public swimming pools.

Existing law requires lifeguard services to be provided for any public swimming pool that is of wholly artificial construction where a direct fee is charged for its use. For all other public swimming pools, existing law requires lifeguard service or signs clearly indicating that the service is not provided. Existing law requires lifeguards who provide lifeguard service to possess, as minimal qualifications, current Red Cross advanced lifesaving certificates or Y.M.C.A. senior lifesaving certificates, or equivalent qualifications and training in administering first aid. *Existing law establishes similar requirements for persons providing aquatic instruction, as specified.*

This bill would, instead, require the above-described lifeguards to possess, as ~~minimal~~ *minimum* qualifications, *as determined by the department* current certificates from an American Red Cross or YMCA of the United States lifeguard training program, or to have equivalent qualifications, and to have been trained to administer first aid. *The bill would make conforming changes to the provisions relating to persons providing aquatic instruction.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 116028 of the Health and Safety Code is amended to read:

116028. "Lifeguard service," as used in this article, means the attendance at a public swimming pool, during periods of use, of one or more lifeguards who possess, as ~~minimal~~ *minimum* qualifications, current certificates from an American Red Cross or YMCA of the United States lifeguard training program, or have equivalent qualifications, *as determined by the department*, and who are trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation in conformance with Section 123725 and the regulations adopted thereunder, and who have no duties to perform other than to supervise the safety of participants in water-contact activities. "Lifeguard services" includes the supervision of the safety of participants in water-contact activities by lifeguards who are providing swimming lessons, coaching or overseeing water-contact sports, or providing water safety instructions to participants when no other persons are using the facilities unless those persons are supervised by separate lifeguard services.

SEC. 2. Section 116033 of the Health and Safety Code is amended to read:

116033. Persons providing aquatic instruction, including, but not limited to, swimming instruction, water safety instruction, water contact activities, and competitive aquatic sports, at a public swimming pool shall possess ~~an American Red Cross Emergency Water Safety Course certificate~~ *current certificates from an American Red Cross or YMCA of the United States lifeguard training program*, or have equivalent qualifications, as determined by the ~~state~~ department. In addition, these persons shall be certified in standard first aid and cardiopulmonary resuscitation (CPR). All of these persons shall meet these qualifications by January 1, 1991. Persons who only disseminate written materials relating to water safety, are not persons providing aquatic instruction within the meaning of this section.

The requirements of this section shall be waived under either of the following circumstances: (a) when one or more aquatic instructors possessing the ~~American Red Cross Emergency Water Safety Course Certificate~~ *or its current certificates from an*

1 *American Red Cross or YMCA of the United States lifeguard*
2 *training program, or the equivalent, are in attendance continuously*
3 *during periods of aquatic instruction, or (b) when one or more*
4 *lifeguards meeting the requirements of Section 116028 are in*
5 *attendance continuously during periods of aquatic instruction.*

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